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In re Application of
TROUT et al.
Application No.: 09/936,202
PCT No.: PCT/US00/03871
Int. Filing Date: 04 February 2000
Priority Date: 05 February 1999
Attorney Docket No.: 23660-00623
For: SURGICAL GUIDE LINE AND SEPARATOR
FOR USE DURING A SURGICAL
PROCEDURE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 September 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee of \$345 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

However, the declaration filed on 10 September 2001 is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes a duplicate sheet of page 2 of 2. It is unclear if the inventors were presented with only page 2, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 10 September 2001, which is improper. (See MPEP 201.03.)

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

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